IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2178 OF 2004

Shri Vishnu M. Karwal and anr. ... Petitioners

v/s

The State of Maharashtra

through the Collector, Thane ... Respondents

Ms Nayana Thatte for Petitioners.

Mr H.A. Solkar, AGP for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 15TH JUNE 2005.

P.C. :-

1. Admitted facts are that the suit was filed in the year 1982, in the plaint, mention of the suit plot was wrong. The suit remained pending in Court till the year 1992. During the pendency of the civil suit, no application was made for permission to correct the survey number and for amendment in the plaint. The suit was decided in the year 1996. An appeal was filed in 1996. Even at that time, no attempt was made to seek amendment in the plaint. Ultimately, in December 2001, after the appeal remained pending for five years, an application for amendment in the plaint was made. The appeal court rejected that application by the order impugned holding that there is gross delay in moving the application and no attempt has been made even to explain the delay. The Court therefore has rejected the application finding that making of the application itself was malafide. I do not find any patent illegality in the order impugned. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.